

**BOARD OF OPTOMETRY
BOARD MEETING
JANUARY 26, 2010**

TIME AND PLACE: The Board of Optometry (Board) meeting was called to order at 10:30 a.m. on Tuesday, January 26, 2010, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room 2, Henrico, Virginia.

PRESIDING OFFICER: David H. Hettler, O.D., President

MEMBERS PRESENT: Gregory P. Jellenek, O.D.
Jonathan R. Noble, O.D.
W. Ernest Schlabach, O.D.
Jacquelyn S. Thomas, Citizen Member
Angela Tsai, O.D.

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Eric A. Gregory, Assistant Attorney General, Board Counsel
Leslie L. Knachel, Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager
Peggy Wood, Monitoring Program Manager
Charles Giles, Budget Manager, Finance

OTHERS PRESENT: Thomas R. Cheezum, O.D., American Optometric Society (AOA)
Betty Gramlich, National Association of Optometrists and Opticians

QUORUM: With all members of the Board present, a quorum was established.

PUBLIC COMMENT: Thomas R. Cheezum, O.D., AOA, expressed continued concern regarding the American Board of Optometry's (ABO) establishment of national continuing competency and certification. Specifically, Dr. Cheezum noted the potential issue of usurping the Board's authority and the potential claim of superiority. He requested that the Board reconsider issuing a formal letter to ABO expressing the Board's concerns about the establishment of a national certification.

AGENDA: The agenda was revised to include discussion of the CPT Code disclaimer, guidance documents and to receive an

update on OE Tracker. Additionally, the order of the discussion items was revised to accommodate staff attendance.

APPROVAL OF MINUTES:

Ms. Thomas moved to approve the minutes of the October 29, 2009, full Board meeting as amended. The motion was seconded and carried.

DIRECTOR'S REPORT:

Ms. Yeatts reported that Ms. Ryals was unable to be present at the Board meeting because she was attending the General Assembly session.

DHP LEGISLATIVE/REGULATORY UPDATE:

Ms. Yeatts informed the Board that the standards of conduct and the continuing education regulations would become final on March 17, 2010.

Ms. Yeatts presented an update of the 2010 proposed legislation that is relevant to the agency. The proposed legislation is incorporated into minutes as Attachment 1.

DISCUSSION ITEMS:

Notice of Intended Regulatory Action (NOIRA)

Ms. Yeatts and Charles Giles apprised the Board of a revenue shortage that will occur by the year 2013. Because of the two year regulatory process to increase fees, Ms. Yeatts advised the need for the Board to consider and approve a NOIRA to begin the process to increase the licensure fees.

Dr. Hettler moved to adopt a NOIRA to increase licensure fees. The motion was seconded and carried.

Health Practitioners' Monitoring Program (HPMP) Presentation

Ms. Wood briefly discussed the HPMP program to include an overview of participation contracts, revised function of compliance case managers and the various board participation statistics. Ms. Wood encouraged the Board to utilize the HPMP services as a resource relative to compliance issues.

Anonymous Complaints Made by Board Members

With regard to filing a complaint with the Department of Health Professions, Dr. Hettler requested that Board members include their name as the source rather than filing as an anonymous source. He noted that this protocol would eliminate the possibility of a complaint being assigned to a Board member who may be the source of the complaint.

Rewriting Orders Due to Compliance Issues

Ms. Knachel apprised the Board that due to staffing and cost, the compliance cases for Optometry and Veterinary Medicine would no longer be handled by pharmacy compliance staff. She reported that the operations managers, Terri Behr and Carol Stamey, would be processing all compliance cases. Ms. Knachel further explained that there was a need to rewrite a few of the existing orders to streamline and simplify compliance case processing. She noted that the amended Orders would be reviewed by a Special Conference Committee of the Board of Optometry prior to forwarding to licensees.

CPT Code Disclaimer

Ms. Knachel presented the proposed revised CPT Code Disclaimer language.

Dr. Noble moved to approve the disclaimer language as amended. The motion was seconded and carried.

Board of Optometry Guidance Documents

Ms. Knachel informed the Board that there were guidance documents located on the Board's webpage that were outdated and should be deleted.

Dr. Noble moved to remove the outdated guidance documents. The motion was seconded and carried.

OE Tracker

Dr. Schlabach provided an update of the activities of the Association of Regulatory Boards of Optometry OE Tracker Committee and state statistics relative to membership and their continuing education requirements through the OE Tracker Program. Also, Dr. Schlabach provided a statistical update of the number of Virginia licensees participating in the OE Tracker Program. Dr. Schlabach again requested that Board staff research the possibility of developing a contract with OE Tracker as a primary source for tracking CE. He stated that issues of concern were privacy and conflict of interest relative to sponsorship of the OE Tracker Program.

EXECUTIVE DIRECTOR'S REPORT:

COMMITTEE REPORTS:

Statistics

Ms. Knachel presented a statistical analysis of the optometry licensees, including the number of licensees who did not renew.

Professional Designation Committee

Dr. Schlabach reported that the Board's Professional

Designation Committee (PDC) had met and requested additional information for consideration at its next meeting. Additionally, he reported that he and Dr. Noble would review the proposed regulations and independently draft recommendations for presentation at the next scheduled meeting of the professional designation committee.

PRESIDENT’S REPORT:

Dr. Hettler requested that a newsletter go out after the final approval of the amended regulations. He also requested that the Board members submit articles.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The board concluded its meeting at 12:10 p.m.

David H. Hettler, O.D.
President

Leslie L. Knachel, M.P.H.
Executive Director